

STATES OF JERSEY



REAR SEAT-BELTS AND CHILD BOOSTER SEATS (P.27/2008): COMMENTS

**Presented to the States on 5th March 2008
by the Minister for Transport and Technical Services**

STATES GREFFE

COMMENTS

The Transport and Technical Services Department has produced a factual report which compares Jersey's current legislation in regard to restraints in vehicles with other countries and has collated what local evidence there is to make its conclusions. The report is attached as the **Appendix** to these comments, the conclusions of which are –

- The requirements for children travelling in relevant motor vehicles should be amended to reflect current standards, best practice and availability of equipment.
- The evidence that is available indicates that making it a requirement (subject to appropriate exceptions) for all occupants to wear a seat belt while travelling in a relevant motor vehicle, including those adults travelling in the rear of any vehicle, will improve road safety and reduce the costs to the community of the deaths and injuries resulting from collisions.
- There does not appear to be any benefit in making the fitting and wearing of seat belts on buses and coaches mandatory.

I endorse this report and commend it to members.

I accept the evidence that the wearing of seat belts reduces injuries in traffic accidents. However, I consider that there is an individual choice issue for people other than children under the age of 14 years in regard to making the wearing of seat belts compulsory by law. For that reason, I consider this should be a matter for the States to decide, and not an individual Minister, and I will abide by the States decision.

For members' information, the likely legislation implications are as follows –

1. Should the States approve paragraph (a) of Deputy Le Claire's Proposition and do not wish to extend the types of vehicle to which the compulsory wearing of seat belts applies, subject to the advice of the Law Officers, I believe a minor amendment to Article 2 of the Motor Vehicles (Wearing of Seat Belts) (Jersey) Order 1999, is all that would be required to introduce compulsory wearing of seat belts for all adults travelling in relevant vehicles, including those travelling in the rear of vehicles.
2. Should the States approve paragraph (b) of Deputy Le Claire's Proposition and do not wish to extend the types of vehicle to which the compulsory use of child restraints applies, subject to the advice of the Law Officers, I believe a number of amendments will be required to the Motor Vehicles (Wearing of Seat Belts by Children) (Jersey) Order 1998 and the Motor Vehicles (Construction and Use) (Jersey) Order 1998, in order to bring our legislation on restraints for children travelling in motor vehicles more into line with that of our neighbours and to reflect current safety standards and available equipment.

Resource Implications

There will be some law drafting time required for these amendments.

TRANSPORT AND TECHNICAL SERVICES

REAR SEAT BELTS AND CHILD BOOSTER SEATS

1. INTRODUCTION

- 1.1 At the Council of Ministers' meeting on 7th February 2008, the Minister for Transport and Technical Services gave an undertaking to provide a factual report on evidence available to his Department which would inform the House on the issue of introducing legislation to make the wearing of rear seat belts in motor vehicles compulsory.
- 1.2 The issues of requiring the use of child seats or booster seats for children under certain sizes and seat belts in buses and coaches are also covered in this report.

2. BACKGROUND

- 2.1 Outcome 2.10 of the States Strategic Plan is "*Island-wide transport systems and policies which meet the needs of the community*". One of the main indicators that this outcome is being achieved is a "Safer road network". A target in the Integrated Travel and Transport Plan which is aimed to help deliver the outcome is to reduce road injuries by 20%. Ideally, this should be done by reducing the number of collisions that take place, but reducing the likelihood of injury resulting from a collision will be a major contributor to the 20% target. It has been recognised for many years that occupants of a vehicle involved in a collision who have been wearing seat belts are much less likely to suffer serious injury or be killed.
- 2.2 Compulsory wearing of front seat belts was introduced in Jersey in 1985. Consideration of making it compulsory for all occupants of a motor car to wear seat belts was first considered in Jersey in 1994, however, it was thought there may be considerable public opposition to such a law and there was little evidence to justify a change in the law. However, it was decided that children should be restrained in cars so in 1999, it became compulsory for all children under 14 years of age to wear restraints when travelling in a motor car.

3. MATTERS FOR CONSIDERATION

3.1 Are restraints necessary?

When a vehicle is involved in a crash, invariably it comes to an abrupt halt or it spins or rolls out of control. In these circumstances, occupants will have their own crash into the vehicle structure, other occupants, or be thrown out of the vehicle and crash with a wall, the road, another vehicle or other immovable object. In a head-on collision at 30 m.p.h., any occupant of a vehicle will be thrown forward with a force of between 30 and 60 times their own bodyweight. Restraint systems are designed to help keep people in the vehicle, away from the vehicle structure and other occupants and to distribute the forces of a crash over the strongest parts of the human body, with minimum damage to the soft tissue. Many reports have been written about the benefits of wearing seat belts and most jurisdictions accept that making the use of restraints compulsory will prevent death and serious injury to citizens.

3.2 What restraints are available?

Adults are restrained by a three-point seat belt, designed for adults, not for children. Children are proportioned differently, with their key organs in relatively different positions, and tissues having different strengths and weaknesses as they grow. Children therefore need a different restraint system to cope with the different stages of their development. For example, infants have a very flexible ribcage,

which if compressed by restraints can result in significant damage to heart, lungs and other abdominal organs. A rear-facing child restraint system is the only solution to provide protection for infants up to 13 kg. As they grow, children should then move into safety seats, then booster seats, both of which will be fixed using the adult three-point seat belt (or the new ISOFIX system).

3.3 Present legal situation

The table below shows the current legal situation in Jersey in respect of being restrained in a typical motor car.

	<i>Front seat</i>	<i>Rear seat</i>	<i>Person responsible</i>
Children under 3 years of age	Appropriate child restraint ¹ must be used	Appropriate child restraint ¹ must be used if available	Driver
Children aged 3 to 11 years and under 1.5m. (4ft. 11ins. approx.) in height	Appropriate child restraint must be worn ¹ if available. If not, an adult seat belt ² must be worn	Appropriate child restraint must be worn ¹ if available. If not, an adult seat belt ² must be worn	Driver
Child aged 12 or 13 years or younger child 1.5 metres (4ft. 11ins. approx.) or more in height	Adult seat belt ² must be worn	Adult seat belt ² must be worn	Driver
Any person over 14 years old	Adult seat belt ² must be worn	No requirement	individual

Table 1

¹ An appropriate child restraint includes a baby carrier, child seat, harness or booster seat suitable for the child’s weight, with suitable Kitemarks and manufacturers’ labels.

² An adult seat belt is designed for people 1.5m. or more in height.

There are certain exceptions when a person does not legally have to wear a seat belt, such as when a person is exempted for medical reasons or by the nature of their work.

Seat belts are required to be worn when driving or riding in a “relevant motor vehicle”. Relevant vehicles are small passenger vehicles, small goods vehicles and minibuses as defined in Article 2 of the Road Traffic (Jersey) Law 1956.

3.4 The European Perspective

European Directive 2003/20/EC was issued on 9th May 2003 requesting Member States to reflect what is in the Directive in their Laws. This Directive came about partly due to changes in car and child car seat design, but also because it is now widely acknowledged that adult seat belts can present a danger to children under 1.5m. in height and it is important, therefore, that children use a booster seat to ensure the position of the seat belt is correctly situated over their body. The Directive requires Member States to legislate for children under 1.5m. in height to travel in motor vehicles in an appropriate child restraint or booster seat or cushion when they outgrow a child seat. It also reinforces previous Directives requiring all occupants of motor cars and goods vehicles to use restraints.

In summary, the Directive requires the following changes to be made to the seat belt wearing or construction and use regulations –

- (a) all children under 3 years old must use an appropriate child restraint when travelling in a car or goods vehicle;³
- (b) children aged 3 or more years old and up to 1.5m. (approximately 4 feet 11 inches) in height must use a child restraint appropriate to their size when travelling in cars or goods vehicles fitted with seat belts³. In vehicles not fitted with safety systems such children must be seated in the rear;
- (c) rear-facing baby seats must not be used in a seat protected by an active frontal air-bag;
- (d) all child restraints in use must conform to United Nations Economic Commission for Europe (UN ECE) Regulation 44/03 or Directive 77/541/EEC requirements, or any subsequently agreed standards;
- (e) all occupants of cars and goods vehicles must use seat belts, where provided, while seated and the vehicle is in motion, and the number of people carried in such vehicles may not exceed the number of seats available fitted with seat belts or child restraints;
- (f) all occupants aged 3 years and over of minibuses, buses and coaches should use safety systems provided while seated.

³ Member States may allow children to travel seated in the rear of a taxicab without being restrained by a child restraint system.

Except for (d) and (e), the requirements of the Directive were to be brought into force no later than 9th May 2006. Compliance with (d) and (e) is expected by May 2008 and May 2009 respectively.

The United Kingdom introduced some significant changes to the law for children in September 2006 and also made it compulsory for persons over 14 years to wear seat belts on buses and coaches.

The current requirements for wearing seat belts in major European jurisdictions are outlined in the table below (✓ indicates that occupants must be restrained). For children, all under 3 years old must have a restraint system; in each country, it is the responsibility of the driver to ensure that a person up to the age or height stated is wearing an appropriate restraint (information from the Automobile Association).

Country	Front	Rear	Age/Height for Child
Belgium	✓	✓	18
France	✓	✓	18
Germany	✓	✓	1.5m
Great Britain	✓	✓	14
Ireland	✓	✓	12
Italy	✓	✓	1.5m
Netherlands	✓	✓	18
Poland	✓	✓	12
Portugal	✓	✓	12
Spain	✓	✓	1.35m

Table 2

3.5 Areas to be reviewed

The main areas that should be reviewed are –

- (i) The requirements for children, including age and physical attributes, the forms of restraint and exceptions.
- (ii) The requirements for adults.
- (iii) The requirements for buses and coaches.

3.6 Children

Jersey's current legislation offers loopholes that allow children to be placed in danger without carers realising the potential serious consequences. If involved in a crash, a child wearing an adult seat belt will be more likely to incur internal injuries than a child using a restraint system appropriate for the child's height and weight. There is also a significant possibility of "submarining" whereby the child slips under the seat belt in the crash. Similarly, a child under 3 years can be carried in the rear of a vehicle unrestrained, if no restraint is available or if under one year old, can be carried in a carry cot restrained by straps.

Changes in technology mean that Jersey legislation does not comply with best practice and may mean that parents are technically in breach of the law whilst trying to provide their child with the safest option.

For example, all new restraints are expected to comply with United Nations Economic Commission for Europe (UN ECE) Regulation 44.03 (or better) meaning they have been designed, manufactured and tested to an internationally recognised standard and should be marked accordingly. (The markings will also indicate the weight and height capability of the restraint.) However, Jersey's current legislation points to British Standards that are no longer current (a matter already highlighted and included in a draft revision to the Motor Vehicles (Construction and Use) (Jersey) Order 1998). From May 2008, any child restraint used in a vehicle travelling in the EC will have to comply with UN ECE standard.

Air bags are now a standard fitting in cars. However, an air bag is a danger to any child travelling in the front seat of a car, particularly a child in a rear facing baby carrier. It is important, therefore, that the driver of a car is given responsibility for ensuring that any air bag is disabled whenever a vulnerable youngster is being carried in the front passenger seat.

A few exceptions to wearing child restraints are already allowed in Jersey and some prevail in the UK. These include allowing a child –

- with an exemption certificate for medical reasons to travel unrestrained (Jersey and UK);
- over 3 years old to use a standard adult belt, travelling in the rear of a vehicle, when there is insufficient room to accommodate an appropriate child restraint (Jersey and UK);
- over 3 years old to use a standard adult belt in the rear of a taxicab when no appropriate child restraint is available (Jersey and UK);
- under 3 years old to travel unrestrained in the rear of a taxicab if an appropriate child restraint is not available (UK);
- over 3 years old to travel in the rear of a car using a standard adult belt "for occasional transport over a short distance" if an appropriate restraint is not available (UK).

Finally, residents and visitors are often left confused as to why the rules in Jersey are different from the UK and elsewhere. When Jersey residents travel to the mainland, they are obliged to comply with the relevant laws in that jurisdiction. So in France or the UK, everyone in the car (whether a hire car or the resident's own vehicle) will have to be restrained in an appropriate system. If Jersey's seat belt legislation mirrored that of our neighbours, less confusion would arise and there would be less likelihood of Jersey residents inadvertently flouting the laws of other jurisdictions.

3.7 Adults

Recent crashes in Jersey have highlighted the vulnerability of those who travel unrestrained. In the past 3 years, there have been 4 fatalities in 3 separate crashes where those wearing seat belts survived the crash and suffered slight injuries, while those not wearing seat belts died or suffered severe injury. There have been other fatal crashes where occupants were wearing seat belts but in each case the circumstances of the collision were such that the impact was not survivable.

<i>Date</i>	<i>Parish</i>	<i>Fatalities⁴</i>	<i>Front/Rear</i>	<i>Wearing seat belt?</i>

Jan. 04	St. Saviour	1	rear	No
Nov. 06	St. Mary	1	front	No
Jan. 07	Grouville	2	rear	No

Table 3

⁴ As well as the fatalities, in the crashes in St. Mary and Grouville, there was also an unrestrained passenger in the rear of each vehicle who suffered life-changing injuries. There is also a casualty from a further crash in 2004 who has suffered life-changing injuries. This casualty too was travelling in the rear of the vehicle, not wearing a seat belt.

3.8 Should wearing seat belts be compulsory?

As can be seen from Table 2, Jersey is out of step with the rest of Europe in making the wearing of seat belts compulsory for all occupants of cars. Jersey has already made it compulsory for drivers and front seat passengers and children under 14 years old to wear restraints in relevant vehicles.

Table 4 compares the percentages of passengers observed to wear seat belts in vehicles in the UK (Department of Transport) and Jersey.

	Percentage wearing seat belt/restraint	
	UK	Jersey
Driver/Front seat adult passenger	94 (40)	92
Rear seat adult passenger	70 (17)	19
Rear seat passenger under 14	93	76 ⁵

Table 4

⁵ The percentage in the vicinity of primary schools was 90%

The figures in brackets under the UK are the figures for wearing restraints prior to the introduction of compulsory wearing. The figures for Jersey result from surveys carried out by the Road Safety Training Officer and as such are a much smaller sample rate than the UK. The evidence does suggest that when the law makes wearing a restraint compulsory, the numbers wearing restraints increase significantly.

The evidence from Table 3 and Table 4 suggests that if wearing seat belts in the rear of a vehicle was compulsory and compliance was similar to the UK, there is a likelihood that of the rear seat passengers killed or disabled, 4 would have belted up and would not have died or been permanently disabled.

It would seem, therefore, that introducing compulsory wearing of seat belts encourages more people to wear them, reduces the number of deaths and serious injury resulting from crashes and, consequently, will save society money.

The current value attributed to preventing a fatality in a road accident is over £1.4 million. On this basis and assuming that the costs of caring for a casualty who suffers a life-changing injury aggregate to a similar amount, Jersey would have saved £5.6 million on the highlighted crashes alone over the past 3 years, if wearing seat belts had been compulsory for all occupants of vehicles.

Arguably, there would be a significant saving to the public purse if compulsory wearing of seat belts for all occupants of private cars were to be introduced as the number of seriously and slightly injured occupants of vehicles in crashes, particularly those travelling in the rear seats of the vehicle, would reduce. Unfortunately, while there is evidence of the severity of casualty, there is little factual evidence available in Jersey on whether such casualties were wearing seat belts or not, or whether the injuries sustained by restrained passengers resulted from impact from unrestrained passengers. It is not possible, therefore, to provide an informed estimate of the saving to the public purse that would result from making the wearing of rear seat belts compulsory – apart from stating that there will be a saving.

3.9 **Buses and Coaches**

There have been some calls to introduce the fitting and compulsory wearing of seat belts in coaches and buses. Most of these calls have been from parents in respect of students travelling on school transport.

It is the case that fitting and wearing seat belts on coaches and non-local buses (i.e. no standing passengers) were made compulsory in the UK in 2006. However, wearing seat belts only applies to adults. There is no suitable restraint available that accommodates those under 14 years old, so it is not compulsory for anyone under 14 to wear a restraint on a coach. Enforcement of wearing seat belts on coaches is proving to be an issue.

Taking into account the length of journeys in Jersey, the fact that all buses carry standing passengers and stops are frequent, the safety record of travelling on buses and coaches in Jersey and that restraints suitable for adults and children are not yet available, it is suggested that introducing compulsory fitting and wearing of seat belts on buses and coaches is not appropriate, but this issue can be kept under review.

4. **CONCLUSIONS**

- 4.1 The requirements for children travelling in relevant motor vehicles should be amended to reflect current standards, best practice and availability of equipment.
- 4.2 The evidence that is available indicates that making it a requirement (subject to appropriate exceptions) for all occupants to wear a seat belt while travelling in a relevant motor vehicle, including those adults travelling in the rear of any vehicle, will improve road safety and reduce the costs to the community of the deaths and injuries resulting from collisions.
- 4.3 There does not appear to be any benefit in making the fitting and wearing of seat belts on buses and coaches mandatory.